UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. RICARDO IVAN PALOS-MARQUEZ Defendants. ______________________________	Criminal Case No. 08CR0547-JM ORDER OF DETENTION ON MATERIAL WITNESS WAIVER OF BAIL PENDING TRIAL

In accordance with the Bail Reform Act of 1984, 18 U.S.C. §3142(f), a detention hearing was scheduled for May 22, 2008, to determine whether material witness, Eliot Moya-Mendoza should be held in custody without bail pending trial and, if convicted, sentencing in the above-captioned matter. Assistant United States Attorney Dale Blankenship appeared on behalf of the United States; Attorney Scott Pactor appeared on behalf of the Material Witness.

At the hearing, the Material Witness knowingly and voluntarily waived his right, on the record and in the presence of counsel, to the setting of bail and a detention hearing. Based on that waiver, the Court orders that Material Witness be detained pending trial and, if convicted, sentencing in these matters, without prejudice or waiver of the Material Witness's right to later apply for bail and conditions of release, and without prejudice or a waiver of the right of the United States to seek detention in the event of an application by Material Witness for such relief.

ORDER

IT IS HEREBY ORDERED that the Material Witness be detained pending trial and, if convicted, sentencing in these matters.

IT IS FURTHER ORDERED that Material Witness be committed to the custody of the Attorney General or her designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. The Material Witness shall be afforded reasonable opportunity for private consultation with counsel.

While in custody, upon order of a court of the United States or upon the request of an attorney for the United States, the person in charge of the correctional facility shall deliver the Material Witness to the United States Marshal for the purpose of and appearance in connection with a court proceeding or any other appearance stipulated to by defense and government counsel.

This order is made without prejudice to modification by this Court and without prejudice to the Material Witness's exercise of his right to bail and a detention hearing at a future date.

IT IS SO ORDERED.

DATED: May 28, 2008

Hon. Anthony J. Battaglia
U.S. Magistrate Judge
United States District Court